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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-104

12 **DAUN KATHLENE FERRARI MENDENHALL**
13 **SLAGLE, AKA**
14 **DAUN KATHLENE SLAGLE**
P.O. Box 5439
Chico, California 95927

A C C U S A T I O N

15 Registered Nurse License No. 641923

16 Respondent.

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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

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PARTIES

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing (Complainant"Board") Department of
22 Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about July 30, 2004, the Board issued Registered Nurse License
25 Number 641923 to Daun Kathlene Slagle, also known as Daun Kathlene Ferrari Mendenhall
26 Slagle, ("Respondent"). The registered nurse license will expire on August 31, 2010, unless
27 renewed.

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JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

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7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • • •

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

9. Respondent is subject to disciplinary action under Code sections 2761, subdivision (f), in that on February 6, 2007, in the Superior Court, County of Butte, California, in the matter entitled *People of the State of California vs. Daun K. Slagle* (Sup. Ct., Butte Cty., 2006, Case No. SCR 58338), Respondent was convicted on her plea of no contest of violating Vehicle Code section 23152, subdivision (a) (drive a vehicle while under the influence of alcohol). The circumstances of the crime are that on November 2, 2006, Respondent was arrested for driving under the influence of alcohol following a collision with another motor vehicle.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Involving Alcoholic Beverages)**

3 10. Respondent is subject to discipline under Code section 2761, subdivision
4 (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (c),
5 in that on or about February 6, 2007, Respondent was convicted of a crime involving alcoholic
6 beverages, as more particularly set forth in paragraph 9, above.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Use Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious)**

9 11. Respondent is subject to discipline under Code section 2761, subdivision
10 (a) on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (b), in
11 that on or about November 2, 2006, Respondent used alcoholic beverages to an extent, or in a
12 manner dangerous or injurious to herself or others, as more particularly set forth in paragraph 9,
13 above.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Discipline by Another California Health Care Professional Licensing Board)**

16 12. Respondent is subject to discipline under Code section 2761, subdivision
17 (a)(4) on the grounds of unprofessional conduct in that on or about April 3, 2008, California
18 Licensed Vocational Nurse License number VN 201360 issued to Respondent by the Board of
19 Vocational Nursing and Psychiatric Technicians of the State of California was revoked.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 641923,
24 issued to Daun Kathlene Slagle, also known as Daun Kathlene Ferrari Mendenhall Slagle;

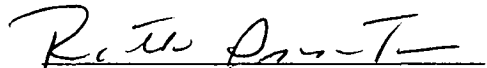
25 2. Ordering Daun Kathlene Slagle, also known as Daun Kathlene Ferrari
26 Mendenhall Slagle to pay the Board of Registered Nursing the reasonable costs of the
27 investigation and enforcement of this case, pursuant to Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/7/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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